IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Civil Appellate Jurisdiction

Second Appeal No.304 of 1989

Rajaram Bandu Jadhav ..Appellant

V/s

1. Dwarkabai w/o Bandu Jadhav
(abated vide Additional Registrar's)
order dated 3-3-2004 and order
dated 26-10-2004)
2. Shantabai w/o Rajaram Pawar
3. Taibai w/o Pandurang Mahadik
(dismissed as abated vide
Court's order dated 25-6-1904)
4. Kamlabai w/o Shankar Pawar
5. Vishnu Bandu Jadhav
6. Ranjana w/o Baban Jadhav
7. Registrar, Co Op Societies
Maharashtra Stae, Pune-1 ..Respondents

None present for the Appellants.

CORAM:A.S.OKA,J.

DATED:18th Feb. 2005

ORAL JUDGMENT :-

1. None for the Appellants. Office noting shows that

Second Appeal stands dismissed as against Respondent no.1 as abated. The Respondent no.1 is the original plaintiff no.1 in whose favour the decree for partition has been passed. The trial Court has held that Respondent no.1 is entitled to 8/35th share and appellate Court has held that the Respondent no.1/plaintiff no.1 is entitled to 12/35th share. As appeal stand abated as against Respondent no.1, (original plaintiff no.1) in whose favour decree has been passed by the courts below, the appeal cannot be continued against rest of the Respondents.

2. Hence the appeal is dismissed. No order as to costs.

(A.S.OKA,J.)